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09/814,052	03/22/2001	Michael Wilhelm	Q63455	2535

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EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/814,052	<b>Applicant(s)</b> WILHELM, MICHAEL	
	<b>Examiner</b> Sam Bhattacharya	<b>Art Unit</b> 2687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings are required in this application because the drawings filed on 6/14/04 are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/49690 to Magnusson et al. in view of Robinson (U.S. Patent 6,351,638).

As to claim 1, the Magnusson reference discloses radio communications system with at least one base station and with at least one wireless subscriber terminal which contains a transceiver in order to transmit and receive radio signals by at least two different radio transmission modes, and which contains a selector in order to select one of the various radio transmission modes at least prior to a subscriber connection being established with one of the, at least one, base stations, characterized in that the at least one base station also contains a

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transceiver in order to transmit and receive by various radio transmission modes, and in that the at least one base station is connected to a control means which determines an availability value for each of the various radio transmission modes with the aid of preselectable criteria and controls the base station in order to transmit to the wireless subscriber terminal an identification code for at least the radio transmission mode which has the highest availability value ("this above mentioned aim is achieved by a method at a cellular mobile telephone system which includes at least one network with at least one base station and at least one mobile terminal, at which the network/base station transmits information to the mobile terminal regarding qualities of the network, at which the actual decision about which carrier service that shall be used is made by the mobile terminal on basis of the from the network/base station transmitted information" (page 1, line 31 to page 2, line 3). "In many areas we will have coverage for both UMTS and GSM, and combined dual-mode terminals which will be able to operate in both systems" (page 5, lines 5-7). "The network which is controlled by the base station 1 can recommend which carrier services that can be used optimally on each given occasion, but the actual decision is always taken by the mobile equipment 2, 3" (page 5, lines 16-19). "At Cell Broadcast, the information can be transmitted to all mobiles 2 in one or more cells. This information includes information about the momentary allocation of resources of the network and loading locally for just that cell where the information has been received" (page 5, lines 21-30). As the applicant specification described, the radio transmission mode EDGE is equivalent to GSM).

However, the Magnusson reference does not expressly disclose other radio transmission modes. The Robinson reference teaches other radio transmission modes available for selection (see Figure 1 and Col. 1, lines 20-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the radio communications system of Magnusson to support and select other different radio transmission modes, as taught by Robinson, in order to access a variety of different communication systems in a network.

As to claim 2, Magnusson-Robinson discloses radio communications system according to claim 1, characterized in that the preselectable criteria are the radio resources instantaneously available in the radio system, and in that by monitoring the radio resources available at each base station connected to the control means, the latter assign the radio transmission mode which instantaneously has the most radio resources the highest availability value (Magnusson; “at Cell Broadcast, the information can be transmitted to all mobiles 2 in one or more cells. This information includes information about the momentary allocation of resources of the network and loading locally for just that cell where the information has been received” (page 5, lines 21-30). “Just when he is to establish a connection there are a lot of people who want to use GPRS carrier services. This does Kristoffer’s mobile terminal 2 know, because it has received information about this in form of short messages (SMS) via GSM’s broadcast channel” (page 7, lines 10-14), “on basis of the need of the application and the load on the network, selects quite another carrier service” (page 7, lines 17-18)).

As to claim 3, Magnusson-Robinson discloses radio communications system according to claim 1, characterized in that the various radio transmission modes comprise standardized

methods of radio transmission, in particular various versions of standardized methods of radio transmission, and in that the transceiver of the at least one base station and of the at least one wireless subscriber terminal can transmit and receive radio signals in accordance with these standardized methods of radio transmission (Robinson: see Figure 1 and Col. 1, lines 20-50).

As to claim 10, the Magnusson reference discloses wireless subscriber terminal which contains a transceiver in order to transmit and receive, in a radio communications system which contains at least one base station, radio signals by at least two different radio transmission modes, and which contains a selector in order to select one of the various radio transmission modes at least prior to a subscriber connection being established with one of the, at least one, base stations, characterized in that the wireless subscriber terminal receives identification codes from the at least one base station, which also contains a transceiver, in order to transmit and receive by various radio transmission modes, and which is connected to a control means which determines an availability value for each of the various radio transmission modes with the aid of preselectable criteria and controls the base station in order to transmit to the wireless subscriber terminal the identification code at least for the radio transmission mode which has the highest availability value ("this above mentioned aim is achieved by a method at a cellular mobile telephone system which includes at least one network with at least one base station and at least one mobile terminal, at which the network/base station transmits information to the mobile terminal regarding qualities of the network, at which the actual decision about which carrier service that shall be used is made by the mobile terminal on basis of the from the network/base station transmitted information" (page 1, line 31 to page 2, line 3). "In many areas we will have coverage for both UMTS and GSM, and combined dual-mode terminals which will be able to

operate in both systems” (page 5, lines 5-7). “The network which is controlled by the base station 1 can recommend which carrier services that can be used optimally on each given occasion, but the actual decision is always taken by the mobile equipment 2, 3” (page 5, lines 16-19). “At Cell Broadcast, the information can be transmitted to all mobiles 2 in one or more cells. This information includes information about the momentary allocation of resources of the network and loading locally for just that cell where the information has been received” (page 5, lines 21-30). As the applicant specification described, the radio transmission mode EDGE is equivalent to GSM).

However, the Magnusson reference does not expressly disclose other radio transmission modes. The Robinson reference teaches other radio transmission modes available for selection (see Figure 1 and Col. 1, lines 20-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the terminal of Magnusson to support and select other different radio transmission modes, as taught by Robinson, in order to access a variety of different communication systems in a network.

As to claim 11, the Magnusson reference discloses base station for a radio communications system with at least one wireless subscriber terminal which contains a transceiver, in order to transmit and receive radio signals by at least two different radio transmission modes, and which contains a selector in order to select one of the various radio transmission modes at least prior to a subscriber connection being established with the base station, characterized in that the base station also contains a transceiver in order to transmit and receive by various radio transmission modes, and in that the base station is connected to a control

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means which determines an availability value for each of the various radio transmission modes with the aid of preselectable criteria in order to control the base station so the base station transmits to the wireless subscriber terminal an identification code at least for the radio transmission mode which has the highest availability value (“this above mentioned aim is achieved by a method at a cellular mobile telephone system which includes at least one network with at least one base station and at least one mobile terminal, at which the network/base station transmits information to the mobile terminal regarding qualities of the network, at which the actual decision about which carrier service that shall be used is made by the mobile terminal on basis of the from the network/base station transmitted information” (page 1, line 31 to page 2, line 3). “In many areas we will have coverage for both UMTS and GSM, and combined dual-mode terminals which will be able to operate in both systems” (page 5, lines 5-7). “The network which is controlled by the base station 1 can recommend which carrier services that can be used optimally on each given occasion, but the actual decision is always taken by the mobile equipment 2, 3” (page 5, lines 16-19). “At Cell Broadcast, the information can be transmitted to all mobiles 2 in one or more cells. This information includes information about the momentary allocation of resources of the network and loading locally for just that cell where the information has been received” (page 5, lines 21-30). As the applicant specification described, the radio transmission mode EDGE is equivalent to GSM).

However, the Magnusson reference does not expressly disclose other radio transmission modes. The Robinson reference teaches other radio transmission modes available for selection (see Figure 1 and Col. 1, lines 20-50).



Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the base station of Magnusson to support and select other different radio transmission modes, as taught by Robinson, in order to access a variety of different communication systems in a network.

As to claim 12, the Magnusson reference discloses control means for at least one base station in a radio communications system with at least one wireless subscriber terminal which contains a transceiver in order to transmit and receive radio signals by at least two different radio transmission modes and which contains a selector in order to select one of the various radio transmission modes at least prior to a subscriber connection being established with one of the, at least one, base stations, characterized in that the at least one base station also contains a transceiver in order to transmit and receive by various radio transmission modes, and in that the control means determines an availability value for each of the various radio transmission modes with the aid of preselectable criteria and controls the base station in order to transmit to the wireless subscriber terminal an identification code at least for the radio transmission mode which has the highest availability value ("this above mentioned aim is achieved by a method at a cellular mobile telephone system which includes at least one network with at least one base station and at least one mobile terminal, at which the network/base station transmits information to the mobile terminal regarding qualities of the network, at which the actual decision about which carrier service that shall be used is made by the mobile terminal on basis of the from the network/base station transmitted information" (page 1, line 31 to page 2, line 3). "In many areas we will have coverage for both UMTS and GSM, and combined dual-mode terminals which will be able to operate in both systems" (page 5, lines 5-7). "The network which is controlled by the

base station 1 can recommend which carrier services that can be used optimally on each given occasion, but the actual decision is always taken by the mobile equipment 2, 3” (page 5, lines 16-19). “At Cell Broadcast, the information can be transmitted to all mobiles 2 in one or more cells. This information includes information about the momentary allocation of resources of the network and loading locally for just that cell where the information has been received” (page 5, lines 21-30). As the applicant specification described, the radio transmission mode EDGE is equivalent to GSM).

However, the Magnusson reference does not expressly disclose other radio transmission modes. The Robinson reference teaches other radio transmission modes available for selection (see Figure 1 and Col. 1, lines 20-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the control means of Magnusson to support and select other different radio transmission modes, as taught by Robinson, in order to access a variety of different communication systems in a network.

As to claim 13, the Magnusson reference discloses method of radio transmission in a radio communications system in which radio signals are transmitted and received by a wireless subscriber terminal by at least two different radio transmission modes and in which one of the various radio transmission modes is selected by the subscriber terminal at least prior to a subscriber connection being established with a base station, characterized in that radio signals are also transmitted and received by the base station by various radio transmission modes, and in that an availability value is determined for each of the various radio transmission modes by a control means connected to the base station with the aid of preselectable criteria and the base station is

controlled in order to transmit to the wireless subscriber terminal an identification code at least for the radio transmission mode which has the highest availability value ("this above mentioned aim is achieved by a method at a cellular mobile telephone system which includes at least one network with at least one base station and at least one mobile terminal, at which the network/base station transmits information to the mobile terminal regarding qualities of the network, at which the actual decision about which carrier service that shall be used is made by the mobile terminal on basis of the from the network/base station transmitted information" (page 1, line 31 to page 2, line 3). "In many areas we will have coverage for both UMTS and GSM, and combined dual-mode terminals which will be able to operate in both systems" (page 5, lines 5-7). "The network which is controlled by the base station 1 can recommend which carrier services that can be used optimally on each given occasion, but the actual decision is always taken by the mobile equipment 2, 3" (page 5, lines 16-19). "At Cell Broadcast, the information can be transmitted to all mobiles 2 in one or more cells. This information includes information about the momentary allocation of resources of the network and loading locally for just that cell where the information has been received" (page 5, lines 21-30). As the applicant specification described, the radio transmission mode EDGE is equivalent to GSM).

However, the Magnusson reference does not expressly disclose other radio transmission modes. The Robinson reference teaches other radio transmission modes available for selection (see Figure 1 and Col. 1, lines 20-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Magnusson to support and select other different

radio transmission modes, as taught by Robinson, in order to access a variety of different communication systems in a network.

3. Claims 4-5, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/49690 to Magnusson et al. in view of Robinson (U.S. Patent 6,351,638) and further in view of Kojima (U.S. Patent 5,590,397).

As to claims 4 and 14, Magnusson-Robinson discloses radio communications system according to claim 1 and method according to claim 13, characterized in that the control means creates a priority list for the base station in which the identification codes for the radio transmission modes are listed in an order of precedence dependent on the size of their availability values, in that the base station transmits this priority list to the wireless subscriber terminal (Robinson; “common communication system 19 will reply to adaptive terminal 20 with a list of systems available for use in network 10. Along with the list of available systems, system 19 may also provide information regarding types of features available and system costs” (Col. 2, lines 58-63)),

However, it does not disclose that the wireless subscriber terminal receives the priority list and checks by means of the identification codes of the radio transmission modes listed there whether at least one of the identification codes gives a radio transmission mode by which the transceiver of the subscriber terminal can transmit and receive radio signals. The Kojima reference teaches the wireless subscriber terminal receives the priority list and checks by means of the identification codes of the radio transmission modes listed there whether at least one of the identification codes gives a radio transmission mode by which the transceiver of the subscriber terminal can transmit and receive radio signals (“radio terminal receives different ones of said

registered system identification codes, said radio terminal selects a selected radio system of said particular radio systems which has said respective system identification code corresponding to one of said registered system identification codes which has a highest said selection priority” (Col. 7, line to Col. 8, line 5)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the radio communications system of Magnusson-Robinson in that the wireless subscriber terminal receives the priority list and checks by means of the identification codes of the radio transmission modes listed there whether at least one of the identification codes gives a radio transmission mode by which the transceiver of the subscriber terminal can transmit and receive radio signals, as taught by Kojima, in order to efficiently perform system selection in accordance with a user’s request.

As to claim 5, Magnusson-Robinson-Kojima discloses radio communications system according to claim 4, characterized in that in the event that at least two identification codes give radio transmission modes by which the transceiver of the subscriber terminal can transmit and receive radio signals, the wireless subscriber terminal selects the radio transmission mode which has the highest availability value (Kojima; “(“radio terminal receives different ones of said registered system identification codes, said radio terminal selects a selected radio system of said particular radio systems which has said respective system identification code corresponding to one of said registered system identification codes which has a highest said selection priority” (Col. 7, line to Col. 8, line 5)).

As to claim 16, it is inherent to Magnusson that the priority list is transmitted to the wireless subscriber terminal prior to the subscriber connection being established because the connection is established using one of the radio transmission modes in the priority list.

4. Claims 6-9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/49690 to Magnusson et al. in view of Robinson (U.S. Patent 6,351,638) in view of Kojima (U.S. Patent 5,590,397) and further in view of Berggren (U.S. Patent 5,963,863).

As to claims 6 and 15, Magnusson-Robinson-Kojima discloses radio communications system according to claim 4 and method according to claim 14. However, it does not disclose that the wireless subscriber terminal transmits to the base station the identification codes for all the radio transmission modes by which the transceiver of the subscriber terminal can transmit and receive radio signals, and in that the control means for the base station then creates the priority list by means of the identification codes transmitted by the subscriber terminal, only these identification codes being listed in the priority list in a order of precedence dependent on the size of their availability values. The Berggren reference teaches the wireless subscriber terminal transmits to the base station the identification codes for all the radio transmission modes by which the transceiver of the subscriber terminal can transmit and receive radio signals, and in that the control means for the base station then creates the priority list by means of the identification codes transmitted by the subscriber terminal, only these identification codes being listed in the priority list in a order of precedence dependent on the size of their availability values ("selection can be made, for example, to have calls routed pursuant to the subscription for service in the cordless telephone network when communication therethrough is available, and communication pursuant to the subscription for service by way of the cellular communication

network when communication by way of the cordless telephone network is unavailable” (Col. 4, lines 19-25). “When the transceiver 12 is positioned at a location at which communication is permitted with only one of the networks 16 or 18, the data related to a service subscription pursuant to the available network is retrieved from the memory device 36 and transmitted by the transceiver circuitry 28 to be stored in the service node 48. In one embodiment, the availability of service is determined at timed intervals. When an other-than-preferred service subscription is the only available service subscription pursuant to which service is available, such service subscription is utilized for communication until the preferred service subscription is determined to be available at a subsequent time” (Col. 7, lines 24-36). If communication by way of both networks 16 and 18 is available, a preferred one of the service subscriptions is selected to form the selected service subscription” (Col. 8, line 66 to Col. 9, line 2)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the radio communications system of Magnusson-Robinson-Kojima in that the wireless subscriber terminal transmits to the base station the identification codes for all the radio transmission modes by which the transceiver of the subscriber terminal can transmit and receive radio signals, and in that the control means for the base station then creates the priority list by means of the identification codes transmitted by the subscriber terminal, only these identification codes being listed in the priority list in a order of precedence dependent on the size of their availability values, as taught by Berggren, in order to route a call pursuant to the selected service subscription.

As to claim 7, Magnusson-Robinson-Kojima-Berggren discloses radio communications system according to claim 6, characterized in that the wireless subscriber terminal lists the

identification codes for the radio transmission modes in accordance with a preselectable order of precedence to form a wish list and transmits this wish list to the base station, and in that the control means for the base station then creates the priority list by means of the transmitted wish list, the identification codes being listed in the priority list with the same availability values as those in their order of precedence within the wish list (Berggen: see Col. 4, lines 19-25, Col. 7, lines 24-36, and (Col. 8, line 66 to Col. 9, line 2).

As to claim 8, Magnusson-Robinson-Kojima-Berggren discloses radio communications system according to claim 7, characterized in that the wireless subscriber terminal contains input means by means of which the subscriber preselects the order of precedence of the radio transmission modes listed in the wish list (Kojima; “the user inputs a priority and a system name by operating the operation button unit 5” (Col. 3, lines 60-61). “FIG. 3 shows an example of the information configuration of the system information memory 7 incorporated in the radio terminal B1 shown in FIG. 1” (Col. 3, lines 25-27)).

As to claim 9, Magnusson-Robinson-Kojima-Berggren discloses radio communications system according to claim 7, characterized in that the wireless subscriber terminal contains a computer which preselects the order of precedence of the radio transmission modes listed in the wish list by means of the telecommunications service desired by the subscriber (Magnusson; “when Kristoffer finally presses the “set-up connection” key, his e-mail application transmits a request to the SIM-card which, on basis of the need of the application and the load on the network, selects quite another carrier service” (page 7, lines 15-19). Berggren: “when an incoming call is placed to be terminated at the transceiver, the call is routed to the transceiver pursuant to one of the service subscriptions. Selection as to which of the service subscriptions



pursuant to which the call is to be routed is made at the transceiver” (Col. 3, lines 61-65). “A service selector is positioned together with the multi-mode transceiver. The service selector selects the selected service subscription by which the incoming call directed to the multi-mode transceiver is to be routed” (Col. 4, lines 38-41)).

### ***Response to Arguments***

1. Applicant's arguments filed on June 14, 2004 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that Magnusson fails to disclose a base carrier that sends an identification code to mobile equipment, where the identification code is for a carrier service which has the highest availability value.

However, the Examiner respectfully disagrees. Magnusson states that “the network which is controlled by the base station 1 can recommend which carrier services that can be used optimally on each given occasion, but the actual decision is always taken by the mobile equipment 2, 3.... When the user of the mobile terminal 2 shall start an application which requires a data connection, a request is made to the SIM-card which can recommend a carrier service which is an optimal choice with regard to selected application and resource allocation and loading in the network.” See page 5, lines 16-35. Examiner contends that in order to recommend a carrier service, the base station must identify the service by a code or some similar means. Moreover, the carrier service which is the optimal choice is interpreted as having the highest availability value, given the broadest reasonable interpretation of this limitation.

Regarding claim 4, Applicant argues that for similar reasons as presented with respect to claim 1, the references fail to teach or suggest the claimed identification codes, and likewise fail to teach or suggest the creation of the claimed priority lists. Moreover, Applicant argues that the system information memory 7 (the “identification codes”) in Kojima is incorporated into the radio terminal B1 (the “wireless subscriber terminal”), but Kojima fails to disclose that the system information memory 7 is created in the radio base station A (the “base station”), and then sent to the radio terminal B1.

Examiner respectfully disagrees with Applicant’s arguments with respect to claim 4. Magnusson discloses that the base station sends a recommendation to the mobile station a carrier service, such as GPRS or HSCSD, that can be used optimally for different occasions. Examiner contends that providing optimal choices for carrier services for different occasions is synonymous with creating a priority list of carrier services. Moreover, this priority list is sent to the mobile station so that the mobile station can choose which carrier service it will use. As for creating the identification codes in the base station, the Examiner does not rely on Kojima for this teaching. Rather, as with claim 1, Examiner refers back to Magnusson and contends that it is not possible for the base station to recommend carrier services to the mobile station without first identifying the carrier services by a identification codes or similar means. It is inherent to Magnusson that these codes are “created” and stored in a memory.

Finally, Applicant argues that Kojima fails to disclose that the radio terminal B1 uses the system identification codes to check whether the radio terminal B1 can transmit and receive radio signals to the listed radio systems. Examiner respectfully disagrees. Kojima discloses “a plurality of radio systems, each of which transmits a respective system identification code...

having user selectable selection information, said selection information indicating radio system enablement or non-enablement.” Moreover, the “radio terminal selects a selected radio system ... which has a highest selection priority, and which has said selection information indicating enablement.” See col. 7, line 16 – col. 8, line 6. Examiner contends that in selecting information based on radio system enablement or non-enablement entails performing a check as to whether the radio terminal can transmit and receive signals to listed radio systems.

### ***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

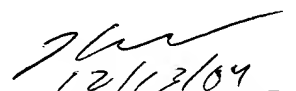
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 605-1171. The examiner can normally be reached on weekdays 8:30 a.m. to 6:00 p.m., first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (703) 305-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

  
12/13/04  
LESTER G. KINCAID  
JURY EXAMINER